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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH A. AMES	:	Civil Action
	:	Docket No.:
Plaintiff	:	Jury Trial Demanded
v.	:	
AMERICAN RADIO RELAY LEAGUE	:	COMPLAINT
INCORPORATED	:	
TOM GALLAGHER	:	
RICK RODERICK	:	
and	:	
DR. JAMES BOEHNER	:	
Defendants.	:	

COMPLAINT

INTRODUCTION AND SUMMARY OF THE ACTION

1. Plaintiff is suing for the defamation caused directly by the publication of the false and misleading article entitled, "ARRL Executive Committee Removes NTS Eastern Area Chair, Eastern Pennsylvania Section Manager."¹ The article was posted to ARRL's website as a

¹ "ARRL is the national association for Amateur Radio in the US" <http://www.arrl.org/about-arrl>. ARRL sponsors many programs such as the National Traffic System (NTS). NTS accepts

publication and seen and heard by many of its 165,000 members worldwide and by third parties through the web. The events of the article have further been reprinted and rebroadcasted by numerous third parties.

2. ARRL intended to show Ames as a former official of ARRL's Field Organization who had gone rogue in an effort to rewrite the rules and regulations of ARRL's Field Organization.

3. The article describes how Ames "unilaterally and repeatedly communicated with officials of the Federal Emergency Management Agency (FEMA) on behalf of NTS, making commitments on behalf of ARRL without authority and in violation of the rules and regulations of the ARRL Field Organization." The article further claims that "then-ARRL CEO David Sumner... wrote to Ames and instructed him that unless otherwise authorized by ARRL, any communication with FEMA with respect to NTS is to be conducted through ARRL authorized representatives. ARRL learned that Ames repeatedly acted contrary to Sumner's directive...."

4. The accusations of the events that occurred between ARRL, NTS and FEMA are false and can be disproved by the ongoing email communications and supportive documents between those organizations. In fact, Ames did not communicate unilaterally with FEMA but rather looped in peers, and the entire ARRL leadership, as events unfolded. For instance, on October 1, 2015, Ames notified Dave Sumner, then CEO of ARRL, Michael Corey, Emergency Preparedness and Response Manager, and other members of ARRL's leadership that Ames had been contacted by Chris Turner, Deputy Director of FEMA's Disaster Emergency

written message traffic without discrimination, so long as the content is consistent with F.C.C. regulations. More so, "NTS interface[s] with local networks using VHF and UHF frequencies, providing local connectivity to government agencies and NGO relief operations." (Ex. A.) NTS is comprised of three sections, Eastern Area, Central Area and Pacific Area. The Eastern Area includes parts of the continental US and Canada.

Communications Division in Washington, D.C. On such occasion and others, Dave Sumner responded stating “Joe, thanks for keeping us in the loop.”

5. Ames has continually looped in the leadership of ARRL regarding communications with FEMA. In another email to Chris Turner, Ames instructs Chris Turner to “Please feel free to ‘reply all’ as they too are following this project with interest”. Based on content, “they” refers to Michael Corey and Jim Boehner, chairman of the board’s programs and services committee.

6. Ames has also not made commitments on behalf of ARRL. Rather, Ames has simply demonstrated NTS’s ability to receive and relay written messages within the United States. Furthermore, Ames met with then CEO Dave Sumner of ARRL on September 18, 2015, who acknowledged that a deal had not been made with FEMA. Dave Sumner’s acknowledgement clearly contradicts ARRL’s findings that Ames on behalf of NTS and ARRL, made commitments with FEMA, which further contradicts the August 2015 letter as cited in the article.

7. Not surprisingly, these claims have devastated Ames’s reputation. Ames’s ability to obtain employment has and will continue to be significantly tarnished because of ARRL’s actions.

PARTIES

8. Plaintiff, Joseph A. Ames, is an adult individual residing at 10 Andrews Road, Malvern, PA 19355.

9. Defendant, American Radio Relay League Incorporated (hereinafter “ARRL”), is a Connecticut corporation with a business address at 225 Main Street, Newington, CT 06111-1495.

10. Defendant, Tom Gallagher, is an adult individual with a residence outside of Pennsylvania and an address at 225 Main Street, Newington, CT 06111. Tom Gallagher is the CEO of ARRL.

11. Defendant, Rick Roderick, is an adult individual with a residence outside of Pennsylvania and a business address at 500 President Clinton Avenue, Suite 200, Little Rock, Arkansas 72201. Rick Roderick is the President of the board of directors and chairman of the executive committee.

12. Defendant, Dr. James Boehner, James Boehner is an adult individual with a residence outside of Pennsylvania and an address at 525 Barnwell Ave., NW, Aiken, SC 29801-3939. James Boehner is the chairman of the programs and services committee.

JURISDICTION AND VENUE

13. The Eastern District of Pennsylvania possesses subject matter jurisdiction under 28 U.S.C. § 1332 because the amount in controversy is in excess of \$75,000 and there is complete diversity of citizenship.

14. Venue is proper under 28 U.S.C. 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this District.

STATEMENT OF FACTS

Publication and Description of Article

15. On June 21, 2016, ARRL published an article to its website entitled “ARRL Executive Committee Removes NTS Eastern Area Chair, Eastern Pennsylvania Section Manager.” The article detailed the events of how Ames continuously “violat[ed] … the rules and regulations of the ARRL Field Organization.” (Ex. B.)

16. According to the article:

Ames unilaterally and repeatedly communicated with officials of the Federal Emergency Management Agency (FEMA) on behalf of NTS, making commitments on behalf of ARRL without authority and in violation of the rules and regulations of the Field Organization. Those actions were contrary to the terms of the *Memorandum of Understanding* between FEMA and ARRL, which states clearly that ARRL Headquarters staff will be the single point of contact between FEMA and ARRL. ...

In August 2015, then-ARRL CEO David Sumner... wrote to Ames and instructed him that, unless otherwise authorized by ARRL, any communication with FEMA with respect to NTS is to be conducted through ARRL authorized representatives. ARRL learned that Ames repeatedly acted contrary to Sumner's directive, which led to the decision to cancel Ames's Field Organization appointment and to declare the office of the Section Manager for Eastern Pennsylvania vacant.

(Ex. B.) (emphasis in original.)

17. The article was published to ARRL's website and seen by many of its 165,000 members worldwide. The events in the article were later echoed in the ARRL audio news broadcast. The article was also distributed to global email subscribers of "The ARRL Letter." (Ex. C.) The article was picked up by third parties, such as Amateur Radio Newsline and broadcasted on June 24, 2016 under the headline "HONORS AND UPHEAVAL IN THE NATIONAL TRAFFIC SYSTEM." (Ex. D.) Amateur Radio Newsline is transmitted over the air by numerous radio stations, available as a podcast and as a script to download. ARRL released the article as an ARRL Special Bulletin ARLX007 on June 21, 2016. (Ex. E.) Such bulletins are distributed via webpage, email subscription, and often reprinted in amateur radio club newsletters and email lists. ARRL's social media accounts, such as Twitter, with more than 27,000 followers, and Facebook, with more than 68,000 followers, carried the article.

The Article Contains Many False and Misleading Statements

18. The article states that Ames unilaterally communicated with FEMA. However, email communications support the facts that Ames looped in ARRL leadership and peers in NTS, including fellow Area Chairmen, throughout Ames's ongoing dialogue with FEMA.

19. In fact, on October 1, 2015, Ames notified Dave Sumner, former CEO of ARRL, Michael Corey, Emergency Preparedness and Response Manager, and other members of ARRL that Ames had been contacted by Chris Turner, Deputy Director of FEMA's Disaster Emergency Communications Division in Washington, D.C. Dave Sumner responded stating:

Joe, thanks for putting us in the loop.

(Ex. F.) (emphasis added.)

20. Ames further looped in members of the leadership pursuant to further communications with Chris Turner. Ames subsequently received the following emails from Dave Sumner and Michael Corey:

February 12, 2016

Joe, thanks for keeping us in the loop.

Dave [Sumner]

February 26, 2016

Joe,

Thanks for the update. ...

Mike [Corey]

(Ex. G.) (emphasis added.)

21. It is evident that ARRL has published a false statement that Ames unilaterally communicated with FEMA on behalf of NTS and ARRL when in fact members of ARRL leadership were receiving emails as events were transpiring and thanked Ames for the updates.

22. The article further states that Ames made “commitments on behalf of ARRL without authority and in violation of the rules and regulations of the Field Organization.” (Ex. B – June 21, 2016 letter.)

23. However, Ames only informed Chris Turner of NTS’s ability to receive and relay messages.

24. Specifically, Ames received the following email from Chris Turner:

I am reaching out to you on behalf of FEMA concerning the possibility or potential of involvement by ARRL resources in supporting an exercise that will be conducted by FEMA in the future. And perhaps building upon that exercise a relationship that could be utilized to support future catastrophic events from a communications perspective. In particular, let me provide you with a hypothetical scenario: Situation – cyber-attack takes down the nations primary PSTN. The FEMA Administrator needs to get a message to each of his ten Regional Administrators. What are the possibilities of a radio gram being originated in the National Capital Region and being sent through the NTS and area networks to the regional networks and to an end user that would deliver the message to the FEMA Regional Office for consumption.

(Ex. H.)

25. Ames responded stating:

...

First of all, let me say that I’m delighted to talk with you on the telephone or in person to discuss these requirements in detail.

But in general, such a communication could be originated in any of several ways using our existing organization, whether our traditional voice or Morse radio nets or, more likely, our modern, Internet-independent “NTS Digital” network. NTSD is a full-time system of automated “mailbox operations” that can be accessed directly by high-frequency radio, with the same equipment used by SHARES and MARS. Many of our NTSD stations offer local VHF access which is very convenient if available in one’s locality.

NTSD is a hybrid network, something like a “hierarchical mesh” network with built in redundancy and capability for binary attachments, although we don’t advertise that feature out of consideration of our fellow operators and our finite spectrum. None the less, it’s there when needed, an inherent capability.

...

(Ex. H.)

26. At no point during that email exchange with Chris Turner or any email exchanges thereafter did Ames make commitments on behalf of NTS and ARRL.

27. Dave Sumner further cemented the fact that no commitments had been made during a September 18, 2015 meeting with Ames.

28. Following that meeting, Ames sent an email to NTS national leadership detailing the discussions that took place, stating:

I met with Dave Sumner today for an hour or a little more around five o’clock. He reiterated that he personally is supportive of NTS and believes we have legitimate gripes. ...

He thinks everyone is more or less calmed down about FEMA and their exercise plans are not (and never really were) a problem but it was taken to be one because of a sense, by some board members, of a “violation of protocol”. I amplified that I’ve been a business “operator” more than 30 years and never once had to “check with mommy” before making a deal, even a big one, and besides **no one made a deal with anyone in the first place. He acknowledged this point....**

(Ex. I.) (emphasis added.)

29. It is clear that Ames did not make commitments on behalf of NTS and ARRL. It is further evident that ARRL has framed Ames as a rogue member who disregards the rules and regulations when in fact no commitment was ever made by Ames on behalf of NTS and ARRL to FEMA. ARRL’s actions have harmed and will continue to harm Ames’s reputation.

30. The article also states that "In August 2015, then-ARRL CEO David Sumner... wrote to Ames and instructed him that, unless otherwise authorized by ARRL, any communication with FEMA with respect to NTS is to be conducted through ARRL authorized representatives. ARRL learned that Ames repeatedly acted contrary to Sumner's directive...."

31. However, ARRL's statements are yet again false and misleading, which have led to Ames's reputational damage. In fact, Ames received a certificate following Dave Sumner's August 2015 letter stating:

The American Radio Relay League, Inc.
A-1 Operator Club
This certifies that:
Joseph A. Ames, W3JY

is a member of the ARRL A-1 Operator Club and is authorized to nominate other deserving qualified radio amateurs for membership.

Membership in the A-1 Operator Club represents adherence to several principles of good operating: careful keying, good voice operating practice, correct procedure, copying ability, judgment and courtesy.

(Ex. J.) It is evident that ARRL was satisfied with Ames's work while knowing that Ames had ongoing communications with Chris Turner of FEMA. Ames was even unanimously re-elected as section manager effective April 1, 2016.

32. ARRL is well aware that Ames had been communicating with Chris Turner following Dave Sumner's August 2015 letter to Ames.

33. Not only did Dave Sumner and Michael Corey thank Ames for keeping them up to date on February 12 and 26, 2016, regarding his communications with Chris Turner, but Michael Corey goes so far as to ask Ames for NTS to keep additional parties in the loop:

Thanks for the update. Moving ahead with this I ask that NTS coordinate with WWA section staff as I know they are heavily involved with this exercise.

(Ex. G.) (emphasis added.)

34. At no point did Dave Sumner or Michael Corey deter Ames from communicating with FEMA in their February 12 and 26, 2016 emails.

35. At no point did any other member of ARRL's leadership deter Ames from communicating with FEMA.

36. It is evident that whatever alleged rules and regulations there were for communications between ARRL and FEMA as stated in the article they were not enforced.

37. Based upon the communications between Ames and the ARRL leadership and information that was in ARRL's possession, either ARRL did not fact check the information contained in the article and/or there was an ulterior motive in relieving Ames from his positions within ARRL.

38. There was an ongoing rift between NTS and ARRL's support for NTS. ARRL offered no guidance for NTS. ARRL offered no progress reports. ARRL provided zero budget for travel expenses for NTS to have meetings. NTS was unsatisfied with how it was being treated by ARRL. Ames made NTS's lack of satisfaction known to ARRL. Ames was considered the spokesman for NTS's three Area Chairmen that considered FEMA's requests.

39. Tom Gallagher is equally responsible for the publication and content of the article. Not only is Tom Gallagher CEO of ARRL, but upon information and belief Tom Gallagher supervises the public relations division and reviews everything before it gets published. Tom Gallagher also drafted and signed Ames's termination letter. (Ex. K.)

40. James Boehner is equally responsible for the publication and content of the article. James Boehner is not only chairman of the programs and services committee, but his

committee recommended Ames's termination. The recommendation from the programs and services committee was also cited in the article.

41. Rick Roderick is equally responsible for the publication and content of the article. Rick Roderick is not only President of the board of directors, but he is chairman of the executive committee. The recommendation from the programs and services committee was also cited in the article.

COUNT I

Defamation for Statements made in the Online Published Article Entitled "ARRL Executive Committee Removes NTS Eastern Area Chair, Eastern Pennsylvania Section Manager"

42. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

43. ARRL published "ARRL Executive Committee Removes NTS Eastern Area Chair, Eastern Pennsylvania Section Manager" to its website on June 21, 2016. The article was seen and heard by many of its 165,000 members worldwide and by third parties through the web.

44. The article contained the following false, misleading and defamatory statements concerning Plaintiff:

"Ames **unilaterally**... communicated with officials of the Federal Emergency Management Agency (FEMA) on behalf of NTS....

"Ames... repeatedly communicated with officials of the Federal Emergency Management Agency (FEMA) on behalf of NTS, **making commitments on behalf of ARRL without authority**....

"In August 2015, then-ARRL CEO David Sumner... wrote to Ames and instructed him that, unless otherwise authorized by ARRL, any communication with FEMA with respect to NTS is to be conducted through ARRL authorized representatives. ARRL learned that Ames repeatedly acted contrary to Sumner's directive, which led to the decision to cancel Ames's Field Organization appointment and to declare the office of the Section Manager for Eastern Pennsylvania vacant."

45. These statements are of and concerning Plaintiff.

46. These statements are false and misleading.

- Ames did not unilaterally communicate with FEMA.
- Ames did not make commitments on behalf of NTS and ARRL with FEMA.
- Ames has not acted contrary to the alleged Memorandum of Agreement between FEMA and ARRL Field Organization as they were waived and/or not enforced.
- Ames has not acted contrary to Dave Sumner's August 2015 letter.

47. By such publication, Defendants caused harm to Plaintiff's reputation and caused Plaintiff emotional anguish.

48. Defendants' publication of these false statements was negligent at a minimum.

49. Defendants acted negligently by disregarding factual information that was in its position and used an ulterior motive to relieve Ames from his positions within NTS.

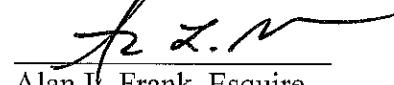
50. These allegations foreseeably would hurt Plaintiff in his professional and daily lives.

51. Defendants allowed the article to be published to ARRL's website knowing that statements contained therein were false. Defendants further allowed content of the article to be broadcasted through over-the-air radio broadcast, which is heard worldwide by potentially millions of listeners.

52. As a direct and proximate result of these statements by Defendants, Plaintiff has suffered damages, including, *inter alia*, injury to reputations, embarrassment, humiliation, and emotional distress, in an amount to be determined at trial.

WHEREFORE, Plaintiff demands judgment in his favor for damages in excess of \$75,000 plus costs, interest, attorney's fees, and punitive damages for Defendants' wanton, willful, reckless, and intentional behavior, plus such other relief as the Court may deem just and proper.

Respectfully Submitted,



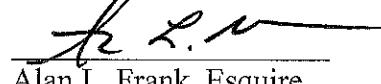
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July 1, 2016

JURY DEMANDED

Plaintiff demands a trial by jury for all counts so triable.

Respectfully Submitted,



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July 1, 2016